

## REMARKS/ARGUMENTS

The amendments and remarks hereto attend to all outstanding issues in the pending office action of March 31, 2005. Claims 1-15 remain pending in this application. Claims 1, 9, 10 and 12 are amended.

### **In the Specification**

Applicant has amended the Title to separate the word “sportsboards” into the words “sports boards” for consistency with the majority of instances thereof throughout the application.

Applicant has further amended the specification:

- (1) To separate the word “sportsboard” into the words “sports board.”
- (2) To correct a typographical error erroneously attributing features of the Chamberlin patent to the Erb patent.
- (3) To eliminate the phrase “or a top plate overhang to keep dirt out,” since it is believed to be factually incorrect.
- (4) To make the language of the specification and the claims consistent when referring to “locking assembly 120.”
- (5) To eliminate the word “means,” or substitute the word “device” for the word “means,” at several places.
- (6) To correct obvious typographical and/or grammatical errors.

Applicant believes that substituting “sports board” for “sportsboard,” or omitting the word “means,” or substituting the word “device” for “means” does not materially change the meaning of the terms used herein. Therefore, no new matter is added to the application through any of the specification amendments.

Applicant has amended the Abstract of the Disclosure to correct an obvious typographical error, as suggested by the Examiner.

### **In the Claims**

Claim 1 is amended to remove references to a “binding retaining means” and attributes thereof, and to make other changes to form the clause “the rotatable plate being capable of coupling a board boot binding in a fixed position relative to the rotatable plate.” This amendment is supported in the specification as filed at page 29, line 19 through page 30, line 3, and by FIG. 1. Claim 1 is also amended to substitute the term “safety device” for “safety means.” The term “safety device” finds support in the specification as filed at page 23, lines 6-11 and at page 25, lines 9-10. As noted above with respect to specification amendments, Applicant believes “safety device” has the same meaning as “safety means” as originally used in claim 1.

Claim 9 is amended to remove the word “means” from “rotation position indicator pointer” and “graduated sticker.” Applicant believes these terms have the same meaning as the corresponding terms originally used in claim 9.

Claim 10 is amended to remove the word “means” from “cord” and to use the term “locking assembly” instead of “locking means,” for antecedent consistency with claim 1 and with the specification. Applicant believes “cord” has the same meaning as “cord means” as originally used in claim 10.

Claim 12 is amended to change “projecting ridge forming an overhanging means over the base plate” to “projecting ridge that overlaps the base plate.” This amendment is supported in the specification as filed at page 31, lines 1-3, and by FIG. 4, FIG. 5, and FIG. 6.

No new matter is added to the application through any of the claim amendments.

### **Response to Office Action**

The following paragraphs follow the order of the paragraphs in the Office Action mailed 31 March 2005 in this application.

#### **Specification**

Applicant has complied with the Examiner’s helpful suggestion to substitute the word --its-- for “it’s” in the Abstract of the Disclosure.

In compliance with the Examiner's helpful suggestion, Applicant has checked the application and has consequently made several specification amendments to correct errors noted.

**Claim Rejections - 35 U.S.C. §112**

Claims 1-15 stand rejected under 35 U.S.C. §112 as being indefinite.

The Examiner points out that in claim 1, lines 10-11 the structure which allows the retention of "any of a variety of sizes and shapes of the board boot..." is not clearly set forth. Applicant has accordingly amended claim 1 to replace a citation of a "binding retaining means" with a citation of "the rotatable plate being capable of coupling a board boot binding in a fixed position relative to the rotatable plate" to eliminate the "means" clause. Applicant believes that the amendment to claim 1, in combination with the claim amendments discussed below, renders claim 1 definite, and requests reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §112 as being indefinite.

The Examiner points out that the word "means" is used "in an attempt to use a 'means' clause to recite a claim element as a means" in claims 1, 9, 10 and 12, but "no function is specified by the word(s) preceding 'means'..." In accord with the Examiner's helpful observation, Applicant has amended claims 1, 9, 10 and 12 to change "safety means" to "safety device," "pointer means" to "pointer," "sticker means" to "sticker," "cord means" to "cord" and "ridge forming an overhanging means" to "ridge that overlaps." Applicant believes that the amendments to claims 1, 9, 10 and 12, in combination with the amendment to claim 1 discussed above, render these claims definite, and requests reconsideration and withdrawal of the rejection of claims 1, 9, 10 and 12 under 35 U.S.C. §112 as being indefinite.

**Allowable Subject Matter**

Applicants thank the Examiner for indicating Allowable Subject Matter.

**Conclusion**

In view of the above Amendments and Remarks, Applicant has addressed all issues raised in the Office Action dated 31 March 2005, and respectfully solicits a Notice of Allowance. Should any issues remain, the Examiner is encouraged to telephone the undersigned attorney.

Applicant believes no fees are currently due, however, if any fee is deemed necessary in connection with this Amendment and Response, please charge Deposit Account No. 12-0600.

Respectfully submitted,

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